

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BILLY RAY CHAPMAN,

Plaintiff,

v.

ROBIN ROOF, et al.,

Defendants.

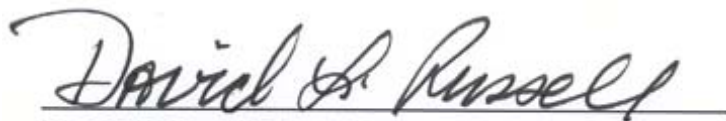
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Case No. CIV-10-945-R

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Doyle W. Argo entered May 18, 2011. Doc. No. 33. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Report and Recommendation [Doc. No. 33] is ADOPTED in its entirety, the motion of Defendants Steer and Roof to dismiss converted to a motion for summary judgment [Doc. Nos. 21 & 24] is GRANTED and Plaintiff's Complaint against Defendant McCoy is DISMISSED without prejudice pursuant to Rule 4(m) for failure to effect service of process on the Defendant. In light of the foregoing, Plaintiff's Writ of Mandamus, Petition for Temporary Injunction and Motion to Set Court's Next Sounding Docket [Doc Nos., 11, 15 & 18] are DENIED as moot.

IT IS SO ORDERED this 8th day of June, 2011.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE